

## **REMARKS**

Applicants have read and considered the Office Action dated July 10, 2003, and the references cited therein. Reconsideration of this application and entry of the forgoing amendments are respectfully requested.

Claims 1, 12, 14, 15, 26, 33 and 34 are amended; and claims 3, 4, 24, 25, and 28-32 are canceled. Claims 1, 2, 5-23, 26, 27, 33, and 34 are thus pending.

### **Claim rejection under 35 USC § 103**

The Examiner has rejected claims 1-13 and 16-33 under 35 USC § 103(a) as being unpatentable over *Tuompo et al.* (US patent 5,910,420).

#### **Tuompo et al.**

Claims 14 and 15 were not rejected by the Examiner in view of *Tuompo et al.* Applicants have incorporated the feature describing the detergent as being cetylpyridinium chloride into claim 1. This is neither shown nor suggested by *Tuompo et al.* Applicants assert that claim 1, reciting CPC in a concentration of at least 0.1% patentably distinguishes over *Tuompo et al.*

### **Claim Rejection under 35 USC § 103:**

The Examiner has rejected claims 1-2 and 14-15 under 35 USC § 103(a) as being unpatentable under *Tuompo et al.* (US 5,910,420) in view of WO 99/51578.

#### **WO 99/51578**

This international application discloses biocidal benzylbiphenyl derivatives. Claims 14 and 15 have been amended to delete the feature "phenol". There is no suggestion in this reference, alone or in combination, as to the use of CPC as a detergent with bactericidal properties, adjunct to salts/acids and any other bactericide (phenols or others) to dislodge and destroy biofilms.

Applicants respectfully submit that the amended claims successfully traverse the objection by the Examiner in view of *Tuompo et al.* as well as the objection of *Tuompo et al.* in view of WO 99/51578.

Applicants assert that the rejections are traversed and the claims as submitted herein are in condition for allowance. A speedy and favorable action is respectfully solicited.

Additional Amendments

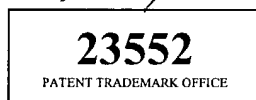
- (a) Claims 3, 4, 24, 25 and 28-32 have been cancelled.
- (b) The dependency of claim 12 has been amended, such that it is now dependent on claim 7;
- (c) Claim 26 has been amended to recite that the detergent is CPC; the list of acids has been amended to exclude the acids salicylic, benzoic and ethylenediamine tetraacetic; the proviso clause has been deleted;
- (d) Claim 33 has been amended to add the feature "citric", and to delete the features "CPC" and "a salt-forming acid or acid"; and
- (e) Claim 34 has been amended to recite "EDTA at least 0.25%".

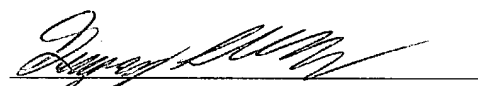
Applicants assert that the application is now in condition for allowance. If the Examiner believes a telephone conference would be helpful in this matter, please contact the undersigned at the below-listed telephone number.

Respectfully submitted,

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Date: 2/10/04



  
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